

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BHUPINDER KAUR KHARANA,
Petitioner,
v.
MICHAEL CHERTOFF, et al.,
Respondents

NO. C07-4754 TEH

ORDER DENYING ORAL
REQUEST FOR TEMPORARY
RESTRAINING ORDER AND
ORDER SETTING BRIEFING
SCHEDULE

On Friday, September 14, 2007, Petitioner Bhupinder Kaur Kharana filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. At the time of filing, Petitioner's counsel orally requested an immediate hearing from the Court, which this Court construed as a request for a temporary restraining order.

However, nothing in the petition or supporting documents submitted by Petitioner’s counsel requested any sort of temporary restraining order. Petitioner did not, for example, include a motion for a temporary restraining order, a memorandum of points and authorities in support of such a motion, or a proposed temporary restraining order. *See* Civ. L.R. 65-1(a) (listing documentation required for motions for a temporary restraining order). In addition, the petition states that Petitioner “is currently on a flight to India,” and the timeliness of Petitioner’s request is therefore in doubt. Pet. ¶ 1.¹

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's oral request for a temporary restraining order is DENIED.
2. Petitioner's counsel shall inform Respondents' counsel, the United States Attorney for the Northern District of California, by **September 19, 2007**, whether Petitioner intends to

¹This paragraph of the petition, and several others, refers to Petitioner as a male. However, it appears from the detailed allegations in the petition that Petitioner is a female. Pet. at ¶¶ 5-7.

1 pursue habeas corpus relief notwithstanding Petitioner's apparent deportation. If Petitioner
2 does not, then Petitioner's counsel shall immediately file a notice dismissing the petition.

3 3. If Petitioner does intend to pursue her petition, then on or before **Monday,**
4 **October 22, 2007**, Respondents shall file and serve an answer showing cause why this Court
5 should not issue a writ of habeas corpus. In addition, Respondents shall file with their
6 answer a copy of all portions of the administrative record that have been transcribed
7 previously and that are relevant to a determination of the issues presented by the petition.

8 4. If Petitioner wishes to respond to the answer, she shall do so by filing a traverse
9 with the Court and serving it upon Respondents on or before **Monday, November 19, 2007.**

10

11 || IT IS SO ORDERED.

12

13 | Dated: 09/17/07

14

15

16

17

18

10

20

1

1

25

20

21

28

Helen S. Johnson

**THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT**